

AG 120 (Rev. 3/04)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Middle District of Florida, Tampa on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 8:08-cv-1596-T-24MAP	DATE FILED 05/15/08	U.S. DISTRICT COURT Middle District of Florida - Tampa Division
PLAINTIFF GKWF, INC., d/b/a CON-SERV MANUFACTURING		DEFENDANT AQUACHEM, INC. and ROBERT W. KOO
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 See attached complaint		
2 7,390,419		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill	<input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK			
1					
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4					
5					

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Sheryl L. Loesch	(BY) DEPUTY CLERK s/Connie Hodges	DATE 8/18/08
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**GKWF, INC.,
D/B/A CON-SERV MANUFACTURING
a Florida corporation,**

Plaintiff,

CASE NO. _____

vs.

**AQUACHEM, INC.,
a Florida corporation, and
ROBERT W. KOO, an individual**

Defendants.

**COMPLAINT FOR PATENT INFRINGEMENT
JURY TRIAL AND INJUNCTIVE RELIEF REQUESTED**

Plaintiff, GKWF, INC., sues the Defendants, AQUACHEM, INC. and ROBERT W. KOO and as grounds therefore alleges as follows:

NATURE OF COMPLAINT

1. This is a civil action for an injunction, damages, and attorneys' fees arising from Defendants' infringement of Plaintiff's U.S. Patent No. 7,390,419 under 35 U.S.C. § 271.

2. Plaintiff seeks to permanently enjoin said infringement pursuant to 35 U.S.C. § 283.

3. Plaintiff also seeks monetary damages for said infringement consisting of lost profits or reasonable royalties pursuant to 35 U.S.C. § 284, said damages to be trebled because the infringement has been willful.

4. Finally, Plaintiff seeks an award of attorneys fees and costs incurred in the prosecution of this action pursuant to 35 U.S.C. § 285.

PARTIES, JURISDICTION and VENUE

5. Plaintiff GKWF, INC. D/B/A CON-SERV MANUFACTURING (hereinafter "CON-SERV") is a Florida corporation having its principal place of business located at 605 West Brannen Road, Lakeland, Florida 33813.

6. On information and belief, Defendant AQUACHEM, INC. (hereinafter "AQUACHEM") is a Florida corporation having a place of business located at 4030 Kidron Road, Lakeland, Florida 33811.

7. On information and belief Defendant ROBERT W. KOO (hereinafter "KOO") is a Florida resident residing at 512 Lake Harris Drive, Lakeland, Florida 33813.

8. This Court has subject matter jurisdiction for all counts pursuant to 28 U.S.C. §1338(a).

9. On information and belief, AQUACHEM conducts business within this State and/or judicial district; has committed a tortious act within this State and/or judicial district, including acts of direct patent infringement and contributing to and/or inducing acts of infringement within this State and/or judicial district; and, engages in substantial and not isolated activity within this State and/or this judicial district.

10. On information and belief, KOO conducts business within this State and/or judicial district; has committed a tortious act within this State and/or judicial district, including acts of direct patent infringement and contributing to and/or inducing

acts of infringement within this State and/or judicial district; and, engages in substantial and not isolated activity within this State and/or this judicial district.

11. Venue is proper in the Middle District of Florida under 28 U.S.C. §§1391(b) and (c), and 28 U.S.C. §1400(b), and in this Division pursuant to Local Rule 1.02 of the United States District Court for the Middle District of Florida.

FACTS COMMON TO ALL COUNTS

12. On June 24, 2008, the United States Patent Office issued a patent to James C. Keller for a WASTE WATER RECOVERY SYSTEM, U.S. Patent No. 7,390,419 (the “‘419 Patent”). The ‘419 Patent discloses and claims a system and method for treating waste water via self cleaning filters. One example of use for the system and method of the ‘419 Patent is a car wash, in which water is recovered and filtered for re-use. A true and correct copy of the ‘419 Patent is attached hereto as Exhibit “A”.

13. CON-SERV is the owner of legal title and all rights and interests to the ‘419 Patent through assignment which has been recorded with the United States Patent and Trademark Office. A true and correct copy of the Patent Assignment Abstract of Title is attached as Exhibit “B”.

14. On information and belief, Defendant AQUACHEM manufactures, sells, and distributes water recovery and filter systems using features and methods that are encompassed by one or more claims of the ‘419 Patent.

15. On information and belief, Defendant KOO is the President of AQUACHEM and has used AQUACHEM to willfully infringe the ‘419 Patent.

16. On information and belief, AQUACHEM knowingly and willfully manufactures, sells, and distributes water filter systems using features and methods that

are encompassed by one or more claims of the '419 Patent, and does so under the direction of Defendant KOO.

17. CON-SERV contacted AQUACHEM via certified mail prior to filing this lawsuit and offered a license to AQUACHEM under the '419 Patent; however, AQUACHEM refused to engage in license negotiations.

18. After CON-SERV contacted AQUACHEM to address AQUACHEM'S infringement, AQUACHEM knowingly and willfully demonstrated infringing products at the 2008 ICA CarCare World Expo held in Orlando, Florida April 7-10, 2008. Attached as Exhibit "C" is a copy of the brochure CON-SERV received at the expo.

19. All conditions precedent to the institution and maintenance of this action have occurred or have been performed.

COUNT I – DIRECT INFRINGEMENT

20. CON-SERV incorporates and realleges the allegations in Paragraphs 1 through 18.

21. This cause of action is for direct infringement against AQUACHEM and KOO (collectively "Defendants") and arises under 35 U.S.C. § 271(a).

22. On information and belief, Defendants have directly infringed one or more claims of the '419 Patent.

23. Defendants had knowledge of CON-SERV'S '419 Patent at least as early as July 10, 2008 before committing acts of continuing infringement, as alleged above. Notwithstanding Defendants' knowledge that their colorable imitation was and is an infringing device and/or method of CON-SERV'S Patent, Defendants manufactured, sold and/or distributed these imitations from and within in this judicial district.

24. Defendants' acts were done willfully, maliciously, intentionally and in bad faith, making this an exceptional case under 35 U.S.C. § 284. CON-SERV is therefore entitled to and hereby requests enhanced (treble) damages pursuant to 35 U.S.C. § 284.

25. As a result of Defendants' infringing acts, CON-SERV is entitled to damages adequate to compensate CON-SERV for Defendants' infringement, but in no event less than lost profits, pursuant to 35 U.S.C. § 284, as well as treble damages.

26. Defendants' acts of direct infringement have damaged and will continue to damage CON-SERV's rights in the '419 Patent causing irreparable harm for which there is no adequate remedy at law. Such unlawful acts and damage will continue unless enjoined by this Court.

27. CON-SERV has incurred, and will continue to incur attorneys' fees and costs arising from the acts of the Defendants as alleged herein. Plaintiff CON-SERV seeks the recovery of attorneys' fees and costs as the prevailing party in this action.

COUNT II - INFRINGEMENT BY INDUCEMENT

28. CON-SERV incorporates and realleges the allegations Paragraphs 1 through 26.

29. This cause of action arises under 35 U.S.C. § 271(b).

30. This is a cause of action against AQUACHEM and KOO (collectively "Defendants") for inducing the direct infringement of the '419 Patent.

31. Defendants have knowingly induced one or more persons to directly infringe the '419 Patent in violation of 35 U.S.C. § 271(b).

32. Defendants sell components, including but not limited to water recovery systems using self cleaning filters, that are used in the system and methods of operating a

waste water recovery system, which system and methods directly infringe one or more claims of the '419 Patent.

33. Defendants' acts of inducement were done willfully, maliciously, intentionally and in bad faith, making this an exceptional case under 35 U.S.C. § 284. CON-SERV is therefore entitled to and hereby requests enhanced (treble) damages pursuant to 35 U.S.C. § 284.

34. As a result of Defendants' inducing others to infringe, CON-SERV is entitled to damages adequate to compensate CON-SERV, but in no event less than lost profits, pursuant to 35 U.S.C. § 284, as well as treble damages.

35. Defendants' acts of inducing infringement have damaged or will continue to damage CON-SERV, causing irreparable harm, for which there is no adequate remedy at law. Such unlawful acts and damage will continue to occur unless enjoined by this Court.

36. CON-SERV has incurred, and will continue to incur attorneys' fees and costs arising from the acts of the Defendants as alleged herein. Plaintiff CON-SERV seeks the recovery of attorneys' fees and costs as the prevailing party in this action.

COUNT III – CONTRIBUTORY INFRINGEMENT

37. CON-SERV incorporates and realleges the allegations of Paragraphs 1 through 36.

38. This is a cause of action for contributory infringement against AQUACHEM and KOO (collectively "Defendants") pursuant to 35 U.S.C. § 271(c).

39. On information and belief, Defendants sell materials or devices, including water recovery and filter systems, for use in practicing the patented methods and/or for

use in building the patented system disclosed and claimed in the '419 Patent, knowing that the materials and/or devices are especially made or adapted for use in the infringement of the '419 Patent. These materials and devices are not staple articles or commodities of commerce suitable for a substantial non-infringing use.

40. Defendants' acts of contributory infringement were done willfully, maliciously, intentionally and in bad faith, making this an exceptional case under 35 U.S.C. § 284. CON-SERV is therefore entitled to and hereby requests enhanced (treble) damages pursuant to 35 U.S.C. § 284.

41. As a result of Defendants' contributing to the infringement of others, CON-SERV is entitled to damages adequate to compensate CON-SERV, but in no event less than lost profits, pursuant to 35 U.S.C. § 284, as well as treble damages.

42. Defendants' acts of contributory infringement have damaged or will continue to damage CON-SERV, causing irreparable harm, for which there is no adequate remedy at law. Such unlawful acts and damage will continue to occur unless enjoined by this Court.

43. CON-SERV has incurred, and will continue to incur attorneys' fees and costs arising from the acts of the Defendants as alleged herein. Plaintiff CON-SERV seeks the recovery of attorneys' fees and costs as the prevailing party in this action.

PRAYER FOR RELIEF

44. CON-SERV requests the following relief:

A) Permanent injunctive relief enjoining all acts of direct infringement, inducing infringement and contributory infringement as provided under 35 U.S.C. § 283;

- B) Compensatory damages as provided under 35 U.S.C. § 284;
- C) Enhancement of damages as provided under 35 U.S.C. § 284;
- D) An award of CON-SERV's reasonable attorneys fees and costs as provided under 35 U.S.C. § 285 and Rule 54(d), Fed.R.Civ.P.;
- E) An award of prejudgment and post-judgment interest; and
- F) Such other and further relief as the Court deems just, fair and appropriate.

DEMAND FOR JURY TRIAL

Plaintiff requests a trial by jury.

DATED this 13th day of August, 2008.

Respectfully Submitted,

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